

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/16/02

AGENDA ITEM 7

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. 2002-0223 – Request to Change the Zoning from RH-SD2 (High Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) - Matthew Zaheri (Applicant) - The Property is Located at 704 – 748 Berry Avenue

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the Negative Declaration, and approving the Zone Change subject to the attached findings.

DISCUSSION:

On June 13, 2002 the Planning Commission voted unanimously to recommend approval of a Zone Change for three lots on Berry Avenue. The City Council adopted a General Plan Amendment for this area in March of this year, changing the General Plan land use designation from Commercial/High Density Residential to General Commercial, which does not support residential development. The intent of the General Plan change was to help achieve the goal of clustering automobile dealerships in the "auto row" and to discourage further residential development in this area. However, some of the parcels on Berry Avenue remain zoned RH-SD2 (High Density Residential), therefore, the zoning of these lots is no longer consistent with the General Plan. The applicant owns two of the lots, which are vacant. The third lot is developed with two houses and owned by another party. The existing homes will become legal non-conforming uses. The owner may continue the residential use until he chooses to change to another use. The three lots are bounded by land to the north and east already zoned General Commercial.

This property is part of the Mission/Foothill Boulevard Corridor Redevelopment Area recently adopted by the City's Redevelopment Agency. Two of the general goals of the redevelopment plan are to:

- Support commercial developments that increase the revenue base, create jobs and serve the needs of the community.
- Seek ways to improve the capacity of auto dealerships by clustering uses, developing common area facilities, and implementing streetscape, signage and promotional programs.

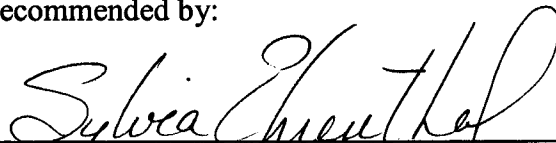
Approval of the Zone Change would support the goal of consolidating parcels to support commercial development. The Zone Change would benefit a proposed automobile dealership that would create jobs as well as increase the revenue base. The applicant has proposed a new Volkswagen dealership on the adjacent property to the north at 25115 Mission Boulevard. The applicant intends to modify plans for the dealership to incorporate the two vacant lots on Berry Avenue. These plans will be submitted in the form of a Site Plan Review application for review by the Planning Commission to ensure that the new dealership is designed with sufficient screening and landscaping to buffer the adjacent residential properties and to prohibit direct access to the parcels from Berry Avenue.

Subsequent to the Planning Commission meeting, a petition and several letters were submitted by people opposing the Zone Change. The issues raised include traffic, loss of the residential character of the neighborhood and noise. Although conditions of approval cannot be attached to this Zone Change, staff is confident that the issues of noise and traffic can be addressed and mitigated during consideration of the Site Plan Review application. The question of whether this property should be residential or commercial was addressed when the General Plan land use designation was changed earlier this year. The proposed zone change, if approved, would implement the recently adopted General Plan.


Prepared by:


Erik J. Pearson, AICP
Associate Planner

Recommended by:


Sylvia Ehrenthal
Director of Community and Economic Development

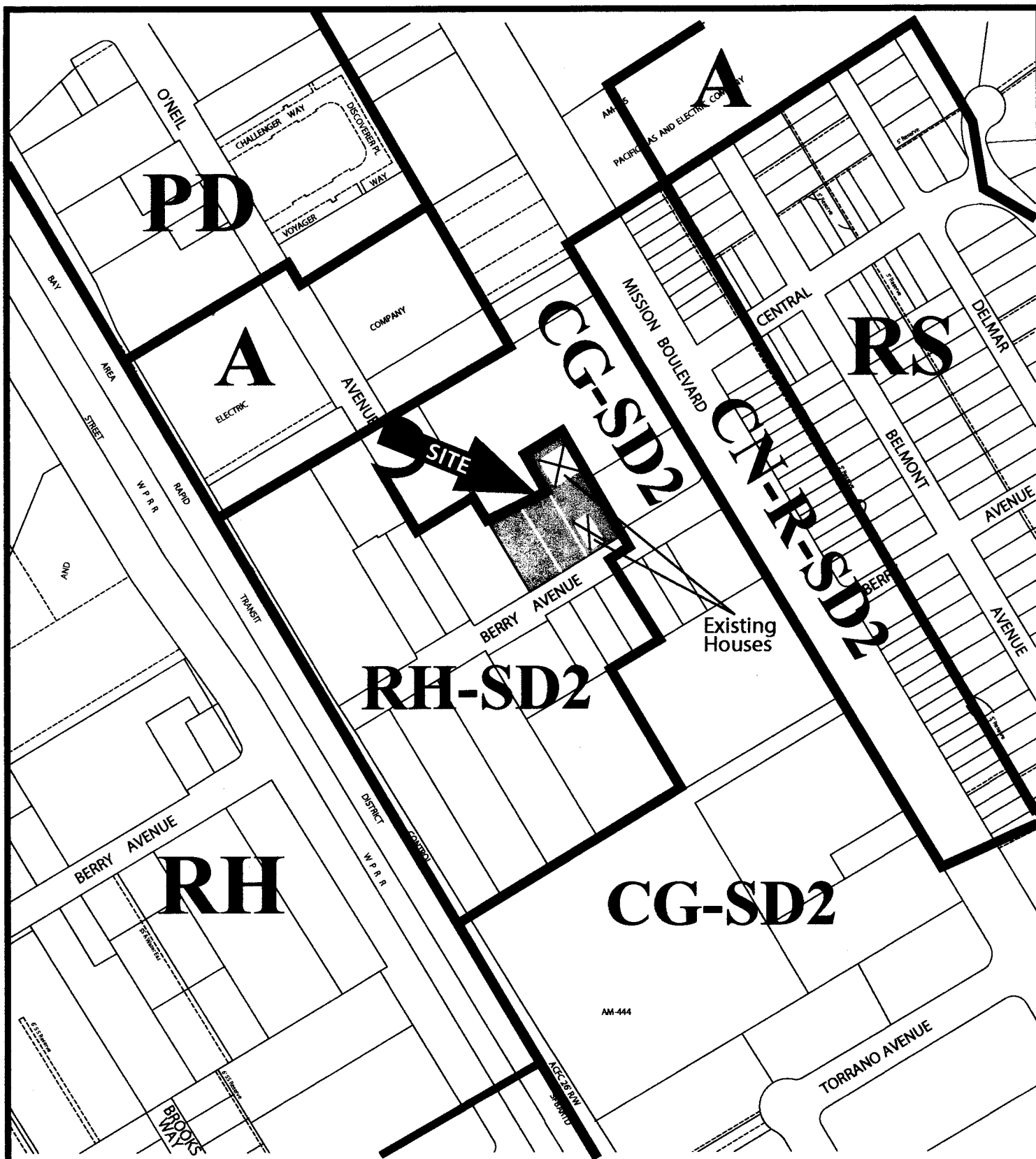
Approved by:


Jesús Armas, City Manager

Exhibits:

- A. Area and Zoning Map
- B. Planning Commission Meeting Minutes and Staff Report, dated June 13, 2002
- C. Letters and Petition from Neighbors
Draft Resolution
Draft Ordinance

7/11/02



Area & Zoning Map

PL-2002-0223 ZC

Address: 704 thru 748 Berry Avenue

Applicant: Matthew Zaheri

Owner:

A-Agricultural

CG-General Commercial

CN-R-Neighborhood Commercial/ Residential

PD-Planned Development

RH-High Density Residential

RS-Single-Family Residential,RSB4,RSB6

SD-Special Design

MINUTES



**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers
Thursday, June 13, 2002, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

longer entitled to relief from the transient occupancy tax

Robert Canepa, General Growth Properties said he brought this chain to Hayward. This has opened up an opportunity for an extended stay hotel, which brings in the transient tourist. He commented that the cinema at Southland would not work there, so now have a vacant cinema. He added that this group fits in really well at that site and would be great for the City. He then commented on the various projects around the City whose principles have needed this kind of facility for long-term stays. He noted that they want more amenities, they will shop and eat in Hayward.

Sanjay Patel, Best Western Motel, commented that some of the hotels in Hayward already do have kitchenettes as well as guests who stay more than 30-days.

The public hearing closed at 8:26 p.m.

Commissioner Bogue commented that times do change and people need this sort of product. He **moved**, seconded by Commissioner Caveglia to support the staff proposal to recommend to Council the Adoption of the Negative Declaration and approve the text amendment subject to the findings of staff.

Commissioner Sacks said she agreed with the motion. She commented that she had just returned from a 3-week trip. Because of the nature of the trip, each night she was not interested in an extended stay facility. For those who need them, this could make all the difference in the world.

Commissioner Williams commented that the concept seems okay, but since it is not site specific, he still had questions. He said he would like to see other text changes instead of these. He said he would not support the motion. He did not believe enough thought had gone into this change. He suggested more caution. When you do something it applies to all.

Chairperson Halliday said she would support the motion. And commented that she was surprised there were no provisions for kitchenettes. She said this was a good idea. Since it is in her neighborhood she hopes it will work

The motion **passed** by the following vote:

AYES:	COMMISSIONERS Bogue, Sacks, Zermeño, Caveglia CHAIRPERSON Halliday
NOES:	COMMISSIONER Williams
ABSENT:	Thnay
ABSTAIN:	None

3. **Zone Change No. 2002-0223 – Matthew Zaheri (Applicant):** Request to Change the

Zoning from RH-SD2 (High Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) – The Property is Located at 704-748 Berry Avenue

Associate Planner Pearson described the property. He commented that one of the land use policies of the General Plan adopted by the City Council in March, 2002, was to concentrate new car dealerships within Auto Row, that portion of Mission Boulevard between Highland/Sycamore and Harder Road. This property consists of three parcels fronting on Berry Avenue. Rezoning the property would allow the dealership to use the property as part of the vehicle storage/display area. One piece of property is still occupied as a residence. The owner is not interested in selling at this time.

Chairperson Halliday asked whether, if approved, the residential properties would be non-conforming uses, what would be the restrictions regarding modifying these homes.

Associate Planner Pearson said they must be maintained in their existing condition. If the property were destroyed by more than 50 percent, it could not be replaced.

Chairperson Halliday asked whether the property owners have weighed in on zone change. She noted that the General Plan allows for more continuous commercial uses on Mission Boulevard, but this area is residential. She was told that this property would be merged with property on Mission and be part of the auto row.

Commissioner Sacks asked about the legal non-conforming uses. With the two houses, everything is fine until the owner sells or dies and it is part of the estate, what happens to that property.

Associate Planner Pearson says the status of the property does not change until the use changes.

The public hearing opened at 8:40 p.m.

Eric Douglas, resident on Berry Avenue, stated that this rezoning is incompatible with the neighborhood and the General Plan, since the General Plan indicated that the property along Mission was to be commercial, this property is on Berry, a residential area. He then noted that the rezoning was unnecessary since it is not accessible from Mission. He also stated that the auto use would greatly impact the traffic. He then suggested that if the rezoning were accepted, he and his neighbors would like the site plan reviewed by the Planning Commission and a sidewalk required along Berry as well as a traffic light at Berry and Mission for the auto dealership.

Chairperson Halliday said it is generally the City's policy that if concern expressed by neighbors, it will come to a public hearing.

Mr. Douglas then asked for a public hearing on this, if it approved.

Principal Planner Patenaude said that because it is an auto dealer, it does not require a use permit so there would be no action for a notice. He did add that a staff review of site-plan would include proper buffering. However, it would not necessarily require a site-plan review by the Planning Commission.



Chairperson Halliday expressed concern and said she would like the Commission to see a site-plan for this project.

Principal Planner Patenaude said staff would take that under advisement.

Matthew Zaheri, the applicant, said the only entrance to the dealership would be from Mission, which is adjacent to the stoplight. There will be no entrances and exits on Berry.

The public hearing closed at 8:48 p.m.

Commissioner Bogue asked about the recommended zoning change, since this property is zoned general commercial and sitting halfway down Berry Avenue.

Associate Planner Pearson indicated that the two parcels would require to be merged .

Commissioner Bogue then wondered whether the Commission could require the joining of the property.

Assistant City Attorney Conneely said you cannot put requirements on the zone change.

Commissioner Caveglia **moved**, seconded by Commissioner Sacks, to approve the staff recommendation to the City Council.

Commissioner Zermeño, said he was thinking this should happen maybe five or six years from now. He did not think it was wise to have two commercial parcels with a residence in between. He said he did not know whether this is the time to do this, or wait until later. He said he was waiting to be convinced.

Commissioner Sacks asked what the current zoning for much of the area was and was told it was general commercial.

Commissioner Bogue commented that the City does not need to wait five years. Since by waiting, they might just be encouraging someone else to build a new home on it. He noted that the concern is not changing the zoning but not gaining a larger parcel. If something were done, the site-plan should be reviewed to make sure that the neighbors concerns are being addressed.

Commissioner Caveglia stated that this is the General Land Use Policy that was established to do this. All the Commission was doing was furthering the established policy.

Commissioner Bogue noted that when we get to this level, we need to know how these would affect each other. Especially when we move to a zone change, we need to make sure that it is appropriate.

Commissioner Zermeno commented that if the Commission and the Council go ahead with the rezoning, there would be a wall around the site.

Principal Planner Patenaude said staff would look at appropriate buffers for the area.

Commissioner Zermeno commented that the whole block is zoned the same way.

Commissioner Williams advised that it would seem appropriate to make the change now. The timing might be appropriate at this point. It would help to protect the residents in the area.

Chairperson Halliday asked, if this change is not made, could the dealership still do what they want to do.

Associate Planner Pearson indicated that without the rezoning, the dealership would be restricted to their lot.

Principal Planner Patenaude said they would need an Administrative Use Permit to be used as a parking lot.

Chairperson Halliday asked whether the City could restrict what they want to do with the property, without the zone change. She said again the Commission obviously wanted to review the site plan for this property. Neighbors have to be notified. It is clearly a residential street and a nice residential street.

The motion passed 6:0:1, with Commissioner Thnay absent.

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters

Principal Planner Patenaude reported on upcoming meetings for the next two weeks. He noted that June 20 would begin with a workshop on the Tree Preservation Ordinance, at 7:30, then a public hearing will be held on the Housing Element at approximately 8:30. On June 27th will be the tentative map and design guidelines to Blue Rock. The meeting of July 11 will include action on Tree Preservation Ordinance and a site plan review for Oliver West, July 25 will be a typical meeting with general items.

3. Commissioners' Announcements, Referrals

Chairperson Halliday, said she would also be here at City Hall at 5:30 on June 20th for the review of the 880-92 final documents. She also noted that the first Summer Street Fair would be held that night.

MINUTES

- April 11, 2002 approve



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 06/13/02
Agenda Item 3

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Zone Change No. 2002-0223 – Request to Change the Zoning from RH-SD2 (High Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) - Matthew Zaheri (Applicant)

The Property is Located at 704 – 748 Berry Avenue

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the zone change subject to the attached findings.

BACKGROUND:

One of the land use policies of the General Plan adopted by the City Council on March 12, 2002 is to concentrate new car dealerships within Auto Row. Auto Row is the name given to the portion of Mission Boulevard between Highland/Sycamore and Harder Road. This is the only area in the City where dealerships selling primarily new cars may locate without approval of a use permit. To help accomplish the concentration of dealerships in Auto Row the recent General Plan update included changing the land use designation for properties in this area from CHDR (Commercial High-Density Residential) to GC (General Commercial). The Plan encourages commercial uses only along Mission Boulevard with residential land uses set back from the commercial corridor. In addition, the Mission Boulevard corridor was included in the City's Redevelopment Project Area in 2001. One of the general goals of this Project Area Plan is to seek ways to improve the capacity of automobile dealerships by clustering uses, implementing streetscape programs and the like.

DISCUSSION:

The proposal is to rezone three parcels fronting on Berry Avenue from RH-SD2 (High Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) so that the zoning will become consistent with the General Plan

land use designation of General Commercial. Of the three parcels, one is developed with two single-family homes, one of which is owner-occupied. The other two parcels have been vacant since at least 1995. Hayward Volkswagen has purchased the two vacant parcels as well as the property to the north (already zoned CG-SD2) so that the dealership may relocate from its smaller facility currently located at 22196 Mission Boulevard. Rezoning the property to General Commercial will enable the dealership to use the property as part of the vehicle storage/display area. Hayward Volkswagen is currently working with the City on a proposal for a new showroom and service area/shop for the parcel to the north (25115 Mission Boulevard).

The owner of the residential parcel has been contacted by the applicant and by the owner of the Kia dealer to the east attempting to acquire this property, but the owner is not interested in selling at this time. However, it is expected that eventually this property will be converted to an auto-oriented commercial use. To leave this parcel out of the rezoning would result in one residentially-zoned property being surrounded by commercially-zoned parcels. Rezoning the three lots to General Commercial will make the zoning consistent with the General Plan designation and will allow for a more continuous strip of commercial land uses along Mission Boulevard. The two homes will become legal, nonconforming uses.

ENVIRONMENTAL REVIEW:

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the rezoning.

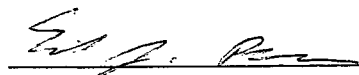
PUBLIC NOTICE:

On May 24, 2002, notice that an Environmental Initial Study and Negative Declaration had been prepared was posted in the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches. On May 24, 2002, a Notice of Public Hearing for the Planning Commission meeting was mailed to all properties within 300 feet of the site.

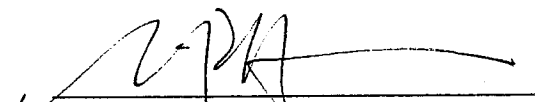
CONCLUSION:

The rezoning is consistent with adopted land use policies of the General Policies Plan and the recently adopted General Plan designation for the area. The change will also enable the consolidation of Auto Row on Mission Boulevard. Staff recommends that the zone change be approved.

Prepared by:

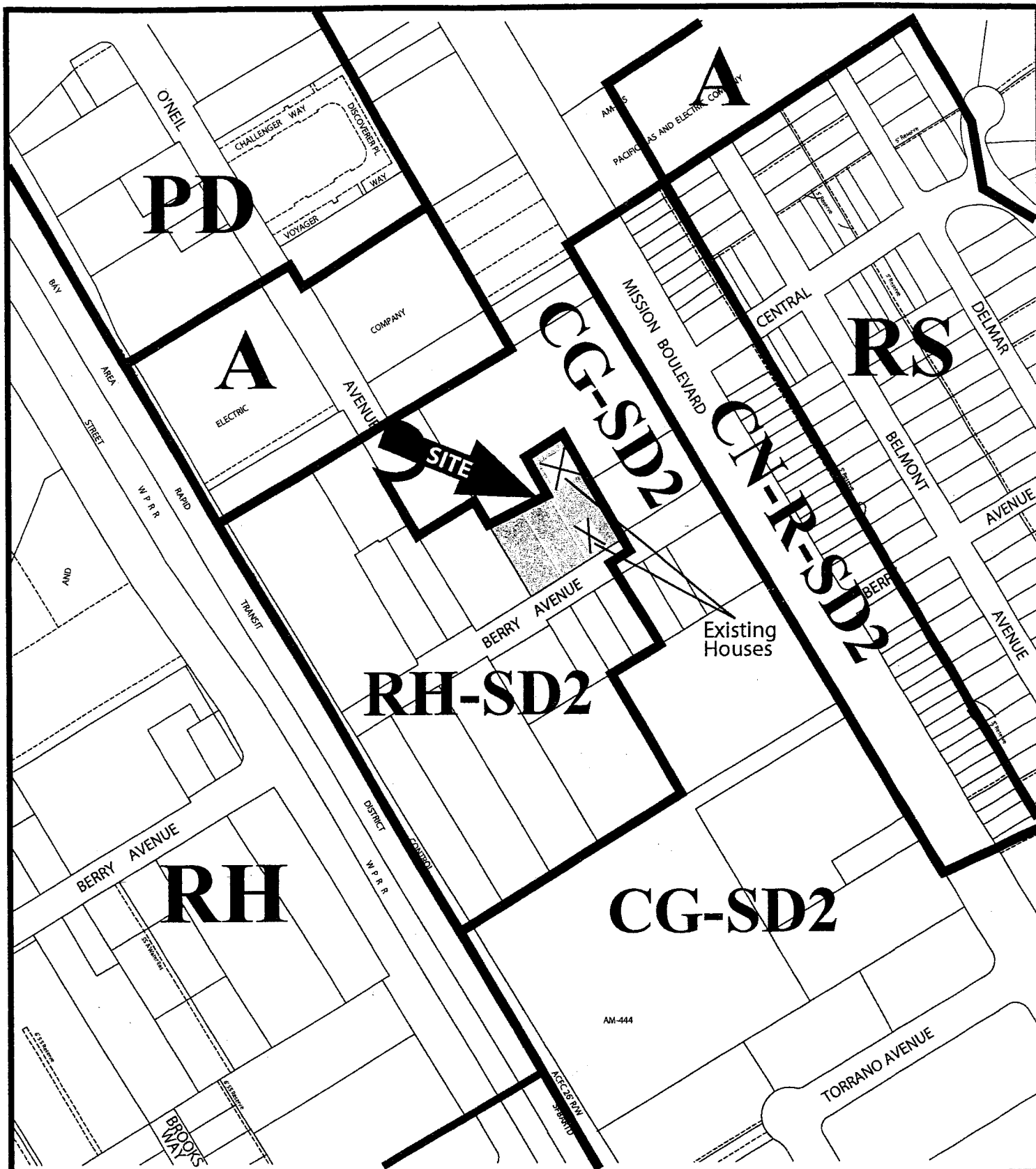

Erik J. Pearson, AICP
Associate Planner

Recommended by:


✓ Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Draft Negative Declaration and Initial Study



Area & Zoning Map

PL-2002-0223 ZC

Address: 704 thru 748 Berry Avenue

Applicant: Matthew Zaheri

Owner:

A-Agricultural

CG-General Commercial

CN-R-Neighborhood Commercial/ Residential

PD-Planned Development

RH-High Density Residential

RS-Single-Family Residential,RSB4,RSB6

SD-Special Design

FINDINGS OF APPROVAL

ZONE CHANGE NO. 2002-0223

**Matthew Zaheri & City of Hayward (Applicants)
Request to change the Zoning from RH-SD2 to CG.**

- A. Approval of Zone Change Application No. 2002-0223 will not cause a significant impact on the environment as documented in the Initial Study prepared per the California Environmental Quality Act Guidelines;
- B. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the General Commercial Zoning will allow the automobile businesses (Auto Row) to form a more continuous land use pattern along Mission Boulevard;
- C. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the change will make the Zoning consistent with the General Plan designation;
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
- E. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations. The two homes on 746 and 748 Berry Avenue are currently incompatible with the current General Plan Designation of General Commercial. These two homes will become legal, nonconforming uses.

ATTACHMENT B



CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Zone Change No. 2002-0233 – Request to change the zoning from RH-SD2 (High Density Residential with a Special Design District) to CG-SD2 (General Commercial with a Special Design District). The property is located at 704 through 748 Berry Avenue.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since it surrounded by urban uses.
6. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains because no physical development is proposed as part of the project.

7. The project site is not located within a "State of California Earthquake Fault Zone." Future construction will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff from any future development.
10. The project is consistent with the policies of the City General Policies Plan and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



Erik J. Pearson, AICP Associate Planner

Dated: May 06, 2002

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erikp@ci.hayward.ca.us.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Zone Change No. 2002-0223 – Request to change the Zoning from RH-SD2 (High Density Residential with a Special Design District) to CG (General Commercial). Matthew Zaheri & City of Hayward (Applicants).

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Erik J. Pearson, Associate Planner (510) 583-4210

Project location: The property is located at 704 through 748 Berry Avenue, Hayward, California in the Mission-Foothills Neighborhood Plan area.

Project sponsor's name and address:

Matthew Zaheri	City of Hayward
22196 Mission Blvd.	777 B Street
Hayward, CA 94542	Hayward, CA 94541

General Plan: General Commercial

Zoning: Residential High Density with a Special Design overlay (RH-SD2)

Description of project: Request to change zoning from Residential High Density with a Special Design overlay (RH-SD2) to CG (General Commercial).

Surrounding land uses and setting: The project site consists of three lots. Two lots are vacant and one has two single-family homes. To the east of the site is an automobile dealership; to the north is property that is largely undeveloped, but does have some automobile storage; to the west and south are a mix of single-family and multiple-family residential homes.

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

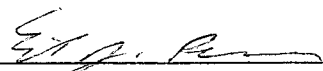
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Erik J. Pearson, AICP Associate Planner

May 6, 2002
Date

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i><u>Comment:</u> The project will not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i><u>Comment:</u> The project will not damage scenic resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i><u>Comment:</u> Any new commercial development on this site will conform to the City of Hayward Zoning Ordinance development standards and Design Guidelines. With regard to the two vacant lots, it is expected that any new development will improve the visual character of the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i><u>Comment:</u> Any new commercial development on the site will be required to use light fixtures that light only the site and not surrounding properties.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i><u>Comment:</u> The project site does not contain farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i><u>Comment:</u> The project is not located in an agricultural district nor an area used for agricultural purposes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The project area does not contain agricultural uses or farmland, See II b.</i> | | | | |

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: Any new development will be required to meet State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District.</i> | | | | |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). New commercial development on this site will not likely result in more vehicle trips, than the property would if developed residentially.</i> | | | | |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <i>Comment: Commercial development on the site would bring more cars than would a residential development. Due to the small size of the property, impacts to air quality will be minor and insignificant.</i> | | | | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See III a.</i> | | | | |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: New development on the site will not be permitted to create objectionable odors affecting a substantial number of people.</i> | | | | |

IV. BIOLOGICAL RESOURCES -- Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? <i><u>Comment:</u> The property, although vacant, is surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? <i><u>Comment:</u> The site contains no riparian or sensitive habitat.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i><u>Comment:</u> The site contains no wetlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i><u>Comment:</u> The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i><u>Comment:</u> The project is and any future development will be in conformance with the General Polices Plan and the Mission-Foothills Neighborhood Plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? <i><u>Comment:</u> There are no habitat conservation plans affecting the property.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<i><u>Comment:</u> No known historical resources exist on-site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment: No known archaeological resources exist in on-site.

Impacts:

If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: No known paleontological resources exist on-site.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comments: No known human remains are located on-site.

If any remains are found, all work will be stopped and police called to investigate.

VI. GEOLOGY AND SOILS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project is outside the Hayward Special Studies Fault Zone.

- | | | | | |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: The site is not located within a "State of California Earthquake Fault Zone and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.

Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is possible but not likely at this site. This impact is considered less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? <i><u>Comment:</u> Liquefaction and differential compaction is not considered to be likely on this site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <i><u>Comment:</u> The project is not located within an area subject to landslides.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <i><u>Comment:</u> The project site is flat. The Engineering Division will ensure that proper erosion control measures are implemented.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i><u>Comment:</u> Prior to issuance of any building permit, engineering and building staff will review a geologic and soils investigation report to design adequately the building foundations for the soil type for new projects. Judging from past geologic activities in the project area, the soil types have not exhibited any of the characteristics that would indicate that any of these conditions exist or are possible.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i><u>Comment:</u> Prior to issuance of a building permit, engineering and building staff will review a geologic and soils investigation report to adequately design the building foundations for the soil type on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i><u>Comment:</u> The site would be connected to the City of Hayward sewer system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
<i><u>Comment:</u> There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported near the site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: The project is not located within an airport zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>Comment: The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>Comment: The project is not located in an area of wildlands and is not adjacent to wildlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?
<i>Comment: The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<i>Comment: The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table may be decreased due to the site likely being covered with impervious surfaces as the site is developed commercially. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production. Furthermore, the current zoning would also permit the site to be developed with impervious surfaces.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<i>Comment: The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

<i>Comment: The project is within an urban area and has been developed as such. Drainage patterns on the site will not cause flooding.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

<i>Comment: The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?

<i>Comment: See VIII a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<i>Comment: According to FEMA Flood Insurance Rate Maps (panel # 065033-0011E dated 2/9/00), this site is not within the 100-year flood hazard area.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i><u>Comment:</u> See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i><u>Comment:</u> See VIII g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i><u>Comment:</u> The project is not in a location that would allow these phenomena to affect the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? <i><u>Comment:</u> The project will not physically divide the existing community. The single-family homes located at 746 and 748 Berry are already separated from nearby homes by 2 vacant lots.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <i><u>Comment:</u> The area was recently designated on the General Policies Plan Map as General Commercial. The zone change will make the zoning consistent with the General Plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i><u>Comment:</u> See IV f.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <i><u>Comment:</u> The project will not result in a significant impact to mineral resources since the project study area is a developed urbanized area that does not contain mineral resources that could be feasibly removed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? <i><u>Comment:</u> See X a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> Any commercial use of the property will be required to be designed to not exceed the noise limits found in the Noise Element of the General Plan.				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See XI a.				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See XI a				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See XI a				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See VII e.				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See VII e.				
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See IX b.				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> No housing will be removed.				
b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> See XII b.				

XIII. PUBLIC SERVICES

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.

b) Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

c) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

d) Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIII a.

e) Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No other public facilities will be significantly impacted.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The project will reduce the future demand for area parks because the zoning is changing from residential to commercial.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See XIV a.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There will not be an increase in traffic as a result of the rezoning.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? <i><u>Comment:</u> See XV a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? <i><u>Comment:</u> The project will not affect air traffic patterns.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? <i><u>Comment:</u> Any future development will be designed to create no hazardous features or incompatible uses.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? <i><u>Comment:</u> The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity? <i><u>Comment:</u> Any future development will be designed to meet minimum parking requirements.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? <i><u>Comment:</u> The project does not conflict with adopted policies supporting alternative transportation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? <i><u>Comment:</u> The project will have no impact on wastewater treatment.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i><u>Comment:</u> See XVI. (a).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i><u>Comment:</u> The project may result in slightly more impervious surfaces if the site is developed for a commercial use.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Comment: The City of Hayward supplies water and the service to the project area, which will not change.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>Comment: The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Comment: Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>Comment: The project study area participates in the Waste Management of Alameda County recycling program under contract with the Oro Loma Sanitary District. Service will remain the same.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Kidango Children's Center
625 Berry Ave.
Hayward, CA 94544

RECEIVED

JUL 10 2002

Dear Planning Commission,

PLANNING DIVISION

My name is Venus McMurrian and I am one of the teachers at the Kidango Children's Center located at 625 Berry Avenue. I am writing this letter to ask that you leave the area on Berry Avenue a residential area. My concern would be the additional traffic in an already congested area. The Kidango School has approximately 30 children in attendance and every morning and evening, the parents of these children come and go for the sake of their children. The children are all under the age of 5 and part of the curriculum for our classes is to take the children on a daily walk, down Berry Avenue. As it is, the area is already a high traffic area, from the residence and businesses that already occupy the area. The additional traffic from another business would not help this situation at all. I would like to ask the Council to keep Auto Row on Mission Boulevard and not extend it onto Berry Avenue.

Sincerely,

A handwritten signature in black ink, appearing to read "Venus McMurrian", with a wavy line extending from the end.

Venus McMurrian
Kidango Children's Center



July 7, 2002

Re: Rezoning on Berry Ave., Hayward

Dear Mayor Cooper and City Council:

I have recently learned that the City is considering rezoning a part of Berry Ave. from Residential to Commercial zoning. I believe this would be a shame. As the developer for the new Berry Garden townhomes, I took great pride in trying to bring an affordable housing development to the City of Hayward, and assist first time home buyers in owning a home. Based on the great demand for our homes, we knew we were filling a need in Hayward. If you part of Berry Ave to Commercial it would be detrimental to those buyers who purchased their homes, as well as to future, residential developers in the neighborhood. My partner and I have spoken with other land owners on Berry Ave about assisting them with future Residential projects, that would enhance the neighborhood, and allow people to own versus rent. There are other residential projects in the surrounding neighborhood that would be negatively impacted by rezoning.

In summary, I would urge that you leave the zoning as Residential and allow developers to continue providing high quality affordable housing for the City of Hayward, so that we may improve many families lives as opposed to just a few. There are plenty of areas of Hayward which serve Commercial purposes. Thank you for your time and consideration.

Sincerely,

Bill Aboumrad
Realtor/Owner

Bill Aboumrad

RE/MAX Eastbay Group
39644 Mission Boulevard
Fremont, California 94539
Office: (510) 744-3555
Fax: (510) 744-3530

Each Office Independently Owned and Operated

Eric Douglas
656 Berry Ave.
Hayward CA 94544

July 7, 2002

Hayward City Council

Dear Mayor and Members of the Council:

Please reject the proposed zoning change of my street in your upcoming Council meeting on July 16. We residents of Berry Avenue want to continue to live in a neighborhood, not a car lot. I understand the city's need for the Auto Row tax base and the city's desire to encourage dealership development and concentration along Mission Blvd. I also understand that the Planning Commission has approved the zoning change for this area in question both in the General Plan and specifically. However, please understand that those of us who live here have never heard of this zoning change until now, and we do not like it.

The City of Hayward needs auto-dealership development on Mission Blvd. and affordable housing on residential streets. The residents of Berry Ave. need a neighborhood. Please provide for the needs of both the residents of Berry Avenue and the greater City of Hayward by rejecting the proposed zoning change on July 16. Help us out. Keep Berry Residential!

Sincerely,

A handwritten signature in black ink, appearing to be 'ED' followed by a long horizontal stroke.

Eric Douglas
Berry Avenue Neighborhood Association

Dear Hayward City Council,

7-7-02

I am writing you to express my concern regarding the proposed zoning change on Berry Avenue from residential to General Commercial. I understand that business drives a healthy economy, and that Hayward needs more businesses, as I own my own business. However, my concerns with this zoning change are 1) increased traffic on an already busy street, which would result in 2) increased danger for pedestrians. To my knowledge, one small child was hit by a car last year due to the heavy traffic on Berry Ave. and the lack of sidewalks. I believe that many more such incidents will occur should you allow the zoning change. If you do feel the need to change the zoning on Berry Ave, please also consider 1) a traffic light at the Mission/Berry intersection, 2) sidewalks on Berry Ave, for pedestrian safety. Thank you for your time in considering this letter.

Sincerely,

Christopher M. Martinez
concerned resident at 691 Berry Ave.

7-6-02

Dear Mayor Roberta Cooper and
Hayward City Council,

I am a resident of Berry
Avenue in Hayward and have
just learned of the proposal
to re-zone Berry Ave. It
is my hope that you will
not allow this to occur. It
would create more traffic problems,
a more dangerous environment
for the many children that
walk to & from school, and
make our street ugly &
noisy. I like living on
this street because it is
residential street & I do
not want to live in a parking
lot. Please leave the
zoning of Berry Ave. as it
is - Residential.

Thank you,
Shelly Phillips
SHELLY PHILLIPS
672 BERRY AVE
HAYWARD, CA 94544

July 6, 02

Dear Mayor Cooper,

It has been brought to my attention that our short little dead in street may be repaired. Berry Ave. has to many personal cars as it is, and having commercial business in the only vacant lot on the street would just about being in my back yard. Please do not gone this for any dealer-ship, or any other business.

We badly need a stop light for the traffic we now have. This should be taken into consideration at some date quite soon before two or three of us are killed.

Sincerely,
Jay Frederick

570-733-5648

July 6,2002

Members of the City Council,

I have been a resident of 711 Berry Avenue since 1972.

Changing the zoning from residential to commercial would increase the flow of traffic, increase noise and pollution. As it stands now it is very difficult and hazardous to enter and exit Mission Boulevard. Adding a car dealership would only increase the noise, pollution and congestion to the area .

Please keep this area a residential zone so we can live in an area free from noise, pollution and congestion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine Pereira".

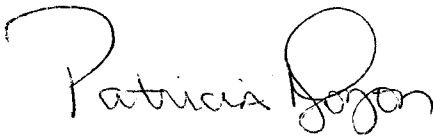
Catherine Pereira
711 Berry Avenue # 225
Hayward, California 94544

Patricia Monzon
735 Berry Ave.
Hayward, CA 94544

Dear Ladies and Gentlemen of the Planning Commission,

My name is Patricia Monzon and I reside at 735 Berry Ave and I am asking that you continue to leave the surrounding areas between 704 Berry Ave - 748 Berry Ave a residential area and not change it to a commercial area. Not only do I live in this area, but my son also attends day care at the Kidango Children's Center located at 625 Berry Ave. By bringing a car dealership onto Berry Ave., it will increase the traffic on our street, making it unsafe for our children to play in our own front yards as well as attend the Kidango Children's Center. Traffic is already unbelievable here and parking is minimal, with residents already here and the employees from the Kia Dealership. Opening a new dealership on Berry Avenue, will make parking next to impossible and will increase the noise population on the block, not to mention the traffic, endangering our children's as well as our own safety. I am asking the Council to please leave Auto Row on Mission Boulevard and not extend it onto Berry Avenue.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Monzon". The signature is fluid and matches the printed name below it.

Patricia Monzon

TO: City of Hayward City Council

FROM: Carl Leal

July 5, 2002

I own property on both sides of Berry. I have 16 houses that I rent out and I live here, also. I know VW is moving into my backyard, which is bad enough, and I don't want them to be on Berry also. The two lots on Berry next to Paul's (and his also) should stay residential. They don't need that extra little lot to do their business and I don't want to deal with the extra traffic.

It makes no sense to build a huge apartment complex and now new townhouses at the end of the street and then make the street commercial. That is ridiculous.

As it is, about 85% of this street is residential and it should stay that way. My property is going to remain housing, so if the lots next to mine get rezoned, I lose value. Keep the zoning the way it is.

Thanks,

A handwritten signature in cursive script that reads "Carl Leal".

Carl Leal
668 Berry Ave.
Hayward CA
94544

Keep Berry Residential!

Glenn Berry Apt's 625 Berry Ave

101	YVETTE LEWIS	Yvette Lewis
102	BERTA HUGHES	Berta Hughes
103	DeAndra Jones	DeAndra Jones
104	Michelle WARE	Michelle Ware
107	Tamara Thomas	Tamara Thomas
109	MARY SMITH	Mary Smith
109	Charles Smith	Charles Smith
300	MANEQUA ANTHONY	Manequa Anthony
203	DONIQUE TOLIN	Donique Tolin
204	Lisa Robinson	Lisa Robinson
205	DELORES JOHNSON	Delores Johnson
207	JAMES G. PARCHMAN	James G. Parchman
214	Vernita Compton	Vernita Compton
215	James + Gwen Morgan	James Morgan
209	Keelon Brown	Keelon Brown
306	Dejuan Heard	Dejuan Heard
308	Renee Wilson	R. Wilson
308	Mack Brown	Mack Brown
318	Keonna Johnson	Keonna Johnson
319	Jennifer Love	Jennifer Love
106	Shantrice Schulz	Shantrice Schulz

748	PAUL GARCIA	Paul Garcia
668	Carl Leal	CARL LEAL
668	June D. Leal	JUNE D. LEAL
691	Christopher M. Martinez	Christopher M. Martinez
672	SHELLY PHILLIPS	SHELLY PHILLIPS

Keep Berry Residential!

#	Name	Signature
690	Toni Rodriguez	Toni Rodriguez
692	Carlos Sanchez	Carlos Sanchez
692	Maria Manting	Maria Manting
746	ANGEL SUAREZ	Angel Suarez
747	JAVIER BUTIERREZ	Javier Butierrez
723	Elizabeth Cardenas	Elizabeth Cardenas
687	Raul Rivera	Raul Rivera
685	BEN SIEMENS	Ben Siemens
674	TONY MICHELETTI	Ty Mitchell
656	Eric Douglas	Eric Douglas
656	Teresa Douglas	Teresa Douglas
670	Fay Frederick	Fay Frederick
Mission Berry Apts. @ 711 Berry Ave.:		
224	OSCAR GARCIA	OSCAR GARCIA
111	Edgar Mayorga	Edgar Mayorga
111	HERIBERTO MAYORQUIN PEREZ	Heriberto Mayorga
711	Carlos Huizar	Carlos Huizar
711	ARNOLDO ABUJILLO	Arnoldo Abujillo
220	Michael Norman	Michael Norman
222	Archie Ellison	Archie Ellison
102	Collopy	CARLOS PEREZ
219	Fco Perez	Francisco Perez
107	MATEO VUNIBORO	Mateo Vuniboro
109	Rosa M. Lorenze	Rosa M. Lorenze
109	José A. Lorenzo	JOSE A LORENZO
113	Chuck Wells	Chuck Wells
118	Rosa GARCIA	Rosa Garcia
118	IVAN WASHBURN	Ivan Washburn
232	VICTOR GARCIA	Victor Garcia
230	Maibol Montoya	Maibol Montoya
226	FRANCISCO MONTAYA	Francisco Montoya
225	Catherine Pereira	Catherine Pereira

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mhe
1/9/02

RESOLUTION APPROVING ZONE CHANGE APPLICATION
NO. 2002-0223 AND CERTIFYING THAT THE INITIAL
STUDY AND NEGATIVE DECLARATION HAVE BEEN
COMPLETED IN COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

WHEREAS, Zone Change Application No. 2002-0223 concerns a request by Matthew Zaheri (Applicant) to change the zoning from RH-SD2 (High Density Residential/Mission Corridor Special Design District) to CG-SD2 (General Commercial/Mission Corridor Special Design District) for three parcels of property located at 704, 706, 716, 746 and 748 Berry Avenue; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on June 13, 2002, regarding Zone Change Application No. 2002-0223 in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the initial study, negative declaration and zone change; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

1. Approval of Zone Change Application No. 2002-0223 will not cause a significant impact on the environment as documented in the Initial Study prepared pursuant the California Environmental Quality Act Guidelines;
2. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the General Commercial Zoning will allow the automobile businesses (Auto Row) to form a more continuous land use pattern along Mission Boulevard;

3. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the change will make the zoning of the properties consistent with the General Plan designation;
4. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified;
5. All uses permitted when property is reclassified will be compatible with present and potential future uses, and a beneficial effect will be achieved which is not obtainable under existing regulations in that the reclassification advances the General Plan objective of concentrating automobile dealerships in the Auto Row area of Mission Boulevard. The two homes on 746 and 748 Berry Avenue are currently incompatible with the current General Plan Designation of General Commercial. These two homes will become legal, nonconforming uses.

NOW THEREFORE BE IT RESOLVED that, based on the findings noted above, the zone change request and the adoption of the companion ordinance reclassifying the Property from a RH-SD2 (High Density Residential/Mission Corridor Special Design District) to a CG-SD2 (General Commercial/Mission Corridor Special Design District) is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT
MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD
MUNICIPAL CODE BY CHANGING THE ZONING FROM
RH-SD2 (HIGH-DENSITY RESIDENTIAL/MISSION
CORRIDOR SPECIAL DESIGN DISTRICT) TO CG-SD2
(GENERAL COMMERCIAL/MISSION CORRIDOR SPECIAL
DESIGN DISTRICT) PURSUANT TO ZONE CHANGE
APPLICATION NO. 2002-0223

mal
7/9/02

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward
Municipal Code is hereby amended by changing the zoning from RH-SD2 (High Density
Residential/Mission Corridor Special Design District) to CG-SD2 (General
Commercial/Mission Corridor Special Design District) for the three parcels of property located
at 704, 716, 716, 746 and 748 Berry Avenue.

Section 2. In accordance with the provisions of section 620 of the City Charter, this
ordinance shall become effective 30-days from the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ___ day of _____, 2002, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the _____ day of _____, 2002, by the following votes of members of said City
Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward